

**CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD  
SAN DIEGO REGION**

**RESOLUTION NO. R9-2011-0020**

AMENDMENT TO THE  
WATER QUALITY CONTROL PLAN FOR THE  
SAN DIEGO BASIN (9) TO INCLUDE A DEFINITION OF A COMMERCIAL GROWING  
OPERATION IN CONDITIONAL WAIVER NO. 4 FOR AGRICULTURAL AND  
NURSERY OPERATIONS

WHEREAS, the California Regional Water Quality Control Board, San Diego Region (hereinafter San Diego Water Board), finds that:

1. On October 10, 2007 the San Diego Water Board approved Resolution No. R9-2007-0104, an Amendment to the Water Quality Control Plan for the San Diego Basin to Incorporate the Revised Conditional Waivers of Waste Discharge Requirements for Specific Types of Discharge Within the San Diego Region.
2. On November 4, 2008, the State Water Board adopted Resolution No. 2008-0081 which slightly amended Resolution No. R9-2007-0104 by eliminating certain conditions that pertained to the storage of green waste compost.
3. Resolution No. 2008-0081 includes Conditional Waiver No. 4 for Discharges from Agricultural and Nursery Operations (the Ag Waiver).
4. Because the conditional waivers are part of the Basin Plan, amendment of any conditional waiver requires a Basin Plan amendment (the Amendment).
5. The term, "agricultural and nursery operations" is not defined within the language of the Ag Waiver. Lack of a clear definition of this term has created ambiguity with regard to who is subject to the Ag Waiver.
6. During the adoption of the waiver, public comment and comments in general, reflected a presumption that the waiver would pertain to commercial agricultural operations.
7. Non-commercial growers, including homeowners with fruit trees or vegetable gardens and "hobby farmers" who generate negligible income from the sale of produce, will not have a significant effect on the environment. Non-commercial growers are not required to comply with the requirements of the Ag Waiver unless directed by the Executive Officer or Central Valley Water Board
8. The US Department of Agriculture defines a "commercial agricultural operation" as an operation engaged in agricultural production which grosses at least \$1,000 per year.

9. Individuals engaged in non-commercial growing operations are likely to generate negligible amounts of waste discharge because of their relatively limited use of pesticides, fertilizers, water and land.
10. The amount of agricultural production acreage potentially eliminated from regulatory oversight if growing operations that gross under \$1,000 per year were exempted from Waiver requirements would be insignificant, compared to the total acreage in the San Diego Region.
11. Pursuant to Public Resources Code section 21080.5, the Resources Agency has approved the California Regional Water Quality Control Boards' basin planning process as a "certified regulatory program" that adequately satisfies the CEQA (Public Resources Code, section 21000 et seq.) requirements for preparing environmental documents [California Code of Regulations Title 14 section 15251(g) and Title 23 section 3782]. When the San Diego Water Board approved the Ag Waiver in Resolution No. R9-2007-0104, the San Diego Water Board also approved the required substitute environmental documents, including an environmental checklist, a detailed Technical Report, the Resolution and the Basin Plan Amendment, and responses to comments submitted during the public participation phase in the development of the Resolution. This Amendment supplements the substitute environmental documents. The supplemental substitute environmental documents for this Amendment include the environmental checklist, the Technical Report, the Resolution and Basin Plan amendment and responses to comments submitted during the public participation phase in the development of this Amendment.

NOW, THEREFORE, BE IT RESOLVED THAT:

1. The San Diego Water Board hereby adopts the Amendment to the Water Quality Control Plan for the San Diego Basin (9) to Include a Definition of a Commercial Agricultural Operation in Conditional Waiver No. 4 for Discharges from Nursery and Agricultural Operations as set forth in Attachment A to this Resolution.
2. The San Diego Water Board hereby approves the Technical Report titled Basin Plan Amendment to Include a Definition of a Commercial Agricultural Operation in Conditional Waiver No. 4 for Discharges from Nursery and Agricultural Operations dated February 9, 2011.
3. The San Diego Water Board hereby approves the report titled, "Report and CEQA Environmental Checklist Pursuant to Title 23, Division 3, Chapter 27, Section 3777" which documents the basis for exempting this Basin Plan Amendment from requirements to prepare an environmental impact report under the California Environmental Quality Act.
4. The Executive Officer is directed to submit this Basin Plan amendment to the State Water Board for approval in accordance with Water Code section 13245.
5. If, during the approval process for this amendment, the San Diego Water Board, State Water Board, or Office of Administrative Law determines that minor, non-

substantive corrections to the language of the amendment are needed for clarity or consistency, the Executive Officer may make such changes, and shall inform the San Diego Water Board of any such changes.

*I, David W. Gibson, Executive Officer, do hereby certify that the foregoing is a full, true and correct copy of a resolution adopted by the California Regional Water Quality Control Board, San Diego Region, on February 9, 2011.*

Tentative

**David W. Gibson**  
**Executive Officer**

## **CONDITIONAL WAIVER NO. 4 – DISCHARGES FROM AGRICULTURAL AND NURSERY OPERATIONS**

Conditional Waiver No. 4 is for discharges from commercial agricultural and nursery operations, which contain pollutants that can percolate to groundwater or runoff to surface waters. Discharges from agricultural and nursery operations include discharges resulting from growing operations, irrigation return flows, and storm water runoff which can also transport pollutants from agricultural and nursery operations to surface waters and groundwater.

"Commercial agricultural and nursery operations" are defined as being commercial agricultural and nursery operations which generate gross sales of at least \$1,000 per average year. An average year is defined as the average of the upcoming three years. Agricultural and nursery operations that generate gross sales of less than \$1,000 per average year are not required to comply with the requirements of Conditional Waiver No. 4 unless directed by the Executive Officer or San Diego Water Board."

The following types of discharge not regulated or authorized under waste discharge requirements (WDRs) may be eligible for Conditional Waiver No. 4:

- Discharges of plant crop residues to land
- Discharges of storm water runoff
- Discharge/application of amendments or mulches to soil
- Discharges of agricultural irrigation return water
- Discharges of nursery irrigation return water

In order to be eligible for Conditional Waiver No. 4, discharges must comply with certain conditions to be protective of water quality. Waiver conditions applicable to discharges from agricultural and nursery operations include the following:

- 4.I.A. General Facility Design and Management Waiver Conditions
- 4.I.B. General Enrollment and Education Waiver Conditions
- 4.I.C. General Waiver Conditions for Application of Compost as a Fertilizer, Amendment, or Mulch to Soil
- 4.I.D. General Waiver Conditions for Application of Products Used in Agricultural and Nursery Operations
- 4.I.E. General Inspection and Reporting Requirements
- 4.II.A. Specific Waiver Conditions for Agricultural Operations
- 4.II.B. Specific Waiver Conditions for Nursery Operations

Discharges from agricultural and nursery operations that comply with the general and specific waiver conditions in Conditional Waiver No. 4 are not expected to pose a threat to the quality of waters of the state.

#### **4.I.A. General Facility Design and Management Waiver Conditions**

1. Agricultural and nursery operations must comply with any local, state, and federal ordinances and regulations and obtain any required approvals, permits, certifications, and/or licenses.
2. Agricultural and nursery operations must implement management measures (MMs) and/or best management practices (BMPs) to minimize or eliminate the discharge of pollutants that may adversely impact the quality or beneficial uses of waters of the state. Recommended MMs/BMPs are available in the State Water Board's Nonpoint Source (NPS) Program Plan and/or available from University of California Cooperative Extension (UCCE), Natural Resources Conservation Service (NRCS), and/or regional resource conservation districts (RCDs).

#### **4.I.B. General Enrollment and Education Waiver Conditions**

1. Agricultural and nursery operators must perform a self assessment to identify the pollutants present on the site and assess the potential for runoff and/or infiltration to adversely affect the quality or beneficial uses of the waters of the state. Annual self assessments must be available on site for inspection. If an agricultural or nursery operator does not have proof available during an inspection, the operator must submit proof to the inspecting agency and the San Diego Water Board within 45 days from the date of inspection. Self assessment questionnaires are available from the UCCE.
2. Agricultural and nursery operators must complete at least 2 hours of water quality management related training annually. Training may include formal classroom training or meetings with a training component. Proof of training must be available on site for inspection. Agricultural and nursery operators who do not have proof available during an inspection must submit proof to the inspecting agency and the San Diego Water Board within 45 days from the date of inspection.
3. Agricultural and nursery operators must be in regular contact with the local Farm Bureau, UCCE, NRCS, and/or regional RCDs so they can be informed of the latest MMs/BMPs and developments with water quality issues. Proof of contact (e.g., newsletter addressed to facility, NRCS conservation plan, UCCE self assessment) must be available on site for inspection. Agricultural and nursery operators who do not have proof available during an inspection must submit proof to the inspecting agency and the San Diego Water Board within 45 days from the date of inspection.
4. Agricultural and nursery operations must implement MMs/BMPs to minimize or eliminate the discharge of pollutants that may adversely impact the quality or beneficial uses of waters of the state. Recommended MMs/BMPs are available in the State Water Board's NPS Program Plan and/or available from UCCE, NRCS, and/or regional RCDs.
5. Agricultural and nursery operators shall maintain records pertaining to the water quality management efforts for the operation. The records shall include the following information:
  - a) Site map showing locations of MMs/BMPs and nearby surface water bodies and/or water wells

- b) List of hazardous materials kept on the property
- c) Location and amount of waste materials (e.g., green wastes, trash) generated and composted and/or reused on site, or disposed of off site
- d) Pesticide use reports and records
- e) Fertilizer, soil amendment, and mulch use records
- f) Irrigation management records (i.e., water use, irrigation system, irrigation schedule, etc.)
- g) Equipment maintenance records
- h) List of MMs/BMPs implemented to minimize and/or eliminate runoff to surface waters and/or infiltration to groundwater
- i) Owner, operator, and employee education and training records
- j) Inspection reports
- k) Self assessments
- l) Contacts with Farm Bureau, UCCE, NRCS, regional RCDs, and/or other organizations
- m) Copies of any permits, licenses, and certifications required for the operation
- n) Water quality monitoring data (if any)

Recommended water quality record keeping documentation is available from the UCCE. Water quality management records must be available on site for inspection.

6. **No later than December 31, 2010**, agricultural and nursery operations must form or join a monitoring group. The function of the monitoring group is to perform water quality monitoring and report the results to the San Diego Water Board. Monitoring groups will be allowed to divide the costs associated with the water quality monitoring and reporting requirements in 4.I.F among its members. Individual operations not in a monitoring group will be solely responsible for the costs associated with the water quality monitoring and reporting requirements in 4.I.F. Growers who claim exemption from the requirements of Conditional Waiver No. 4 based on average gross receipts of less than \$1,000 per year must submit a certification form that substantiates the claim of exemption if the San Diego Water Board requests this form.
7. **No later than January 1, 2011**, owners/operators of agricultural and nursery operations must file a Notice of Intent, as either an individual operation or as part of a monitoring group, with the San Diego Water Board.
8. A Notice of Intent submitted by a monitoring group on behalf of its members must contain the following information:
  - a) Identify the representative(s) authorized to sign reports submitted on behalf of the group.
  - b) An electronic list of landowners and/or operators participating in the monitoring group including: (a) assessor parcel number(s), (b) parcel size, (c) parcel owner or operator name, (d) types of crops grown on each parcel, (e) number of irrigated acres, and (f) parcel owner or operator mailing address.
  - c) A detailed map of the area included within the monitoring group, preferably in GIS format, identifying individual parcels and/or districts that are participating in the monitoring group.

- d) A detailed description of irrigation, storm water runoff, nutrient, pesticide, erosion control, composting, and other site-specific MMs/BMPs that have been implemented by each participant in the monitoring group, which must be provided as a written description, on a map, and/or using pictures.

Monitoring group members are not eligible for this waiver until a complete Notice of Intent is filed. The monitoring group must inform the San Diego Water Board when any member ceases to participate in the monitoring group within 30 days of the cessation of participation. Any member who ceases to participate in a monitoring group must file a Notice of Intent as an individual agricultural or nursery operation, in accordance with waiver condition 4.I.B.9, within 30 days of ceasing to participate in the monitoring group.

- 9. A Notice of Intent filed by an individual agricultural or nursery operation must contain the following information:
  - a) Information about the agricultural or nursery operation including: (a) assessor parcel number(s), (b) parcel size, (c) parcel owner and operator name(s), (d) types of crops grown on each parcel, (e) number of irrigated acres, and (f) parcel owner and operator mailing address(es).
  - b) A detailed map of the operation, preferably in GIS format, with locations of operation boundaries, nearby surface waters and water wells.
  - c) A detailed description of irrigation, storm water runoff, nutrient, pesticide, erosion control, composting, and other site-specific MMs/BMPs that have been implemented by the operation, which must be provided as a written description, on a map, and/or using pictures.

An individual agricultural or nursery operation is not eligible for this waiver until a complete Notice of Intent is filed.

#### **4.I.C. General Waiver Conditions for Application of Compost as a Fertilizer, Amendment, or Mulch to Soil**

- 1. Prevent the direct or indirect discharge of amendments or mulches to any surface waters of the state (including ephemeral streams and vernal pools).
- 2. Plant crop residues may be utilized as soil amendment or mulch.
- 3. Amendments or mulches applied to soil cannot include any of the following additives, unless sufficient information is provided to demonstrate that the waste does not pose a potential threat to water quality: (a) municipal solid wastes; (b) sludges, including sewage sludge, water treatment sludge, and industrial sludge; (c) septage; (d) liquid wastes; (e) oil and grease; and (f) hazardous, designated, and any other wastes determined by the San Diego Water Board to pose a potential threat to water quality.
- 4. The amount of soil amendment or mulch materials that can be applied to soil must be reasonable for the crop or plant, soil, climate, special local situations, management system, and type of soil amendment or mulch. Application rates must take into account storm events during the rainy season (October-May). Application rates must not allow soil amendment or mulch materials to be transported off the property in storm water runoff during the rainy season. Resources are available from the NRCS, UCCE, and other organizations. A copy of the calculations and/or estimate of the application rate must be available on site for inspection.

5. Apply amendment or mulch materials to soil at site-specific rates appropriate to the season (i.e., dry vs. rainy).
6. Implement MMs/BMPs in areas with soil amendment or mulch materials to minimize or eliminate runoff and leachate to surface waters and groundwater.

**4.I.D. General Waiver Conditions for Application of Products Used in Agricultural and Nursery Operations**

1. Prevent the direct or indirect discharge of products used in agricultural or nursery operations to any surface waters of the state (including ephemeral streams and vernal pools).
2. The application of any products used in agricultural or nursery operations that contain pollutants that may be transported in surface runoff to surface waters or may infiltrate to groundwater must be applied in accordance with manufacturer instructions and guidelines, and must not have an adverse effect on the quality of any waters of the state.
3. Excessive amounts of any products used in agricultural or nursery operations spilled to land must be contained and properly disposed.
4. Any products used in agricultural or nursery operations applied to land must not adversely impact the quality or beneficial uses of groundwater in any water wells.

**4.I.E. General Inspection and Reporting Waiver Conditions**

1. The San Diego Water Board and/or other local regulatory agencies must be allowed reasonable access to the site in order to perform inspections and conduct monitoring.
2. Owners/operators must submit a Notice of Intent or technical and/or monitoring program reports when directed by the San Diego Water Board.
3. **By March 31, 2011**, each monitoring group and each individual operation not participating in a monitoring group must contact the San Diego Water Board to begin developing a Monitoring and Reporting Program Plan (MRPP) and a Quality Assurance Project Plan (QAPP).
4. **By January 1, 2012**, each monitoring group and each individual operation not in a monitoring group must submit one MRPP/QAPP to the San Diego Water Board. The MRPP/QAPP must include the monitoring locations, frequency of monitoring, constituents of concern to be monitored, documentation of monitoring protocols, and sufficient information about the agricultural and/or nursery operations to demonstrate that the proposed MRPP/QAPP will adequately document water quality and pollutant loadings, and demonstrate compliance with waiver conditions.
5. **By December 31, 2012**, each monitoring group and each individual operation not participating in a monitoring group must submit one Monitoring Program Report (MRP) to the San Diego Water Board consistent with the MRPP/QAPP.

**4.II.A. Specific Waiver Conditions for Agricultural Operations**

1. Minimize or eliminate the discharge of any pollutants that could adversely affect the quality or beneficial uses of any waters of the state.



2. Agricultural operators cannot alter surface waters of the state on or off the property, unless the proposed alteration has received a Clean Water Act section 401 Water Quality Certification, individual WDRs, or individual waiver from the San Diego Water Board.

#### **4.II.B. Specific Waiver Conditions for Nursery Operations**

1. Prevent the direct or indirect discharge of nursery irrigation return water to any surface waters of the United States.
2. Nursery operations must minimize or eliminate the discharge of any pollutants that could adversely affect the quality or beneficial uses of any waters of the state.
3. Nursery operators cannot alter surface waters of the state on or off the property, unless the proposed alteration has received a Clean Water Act section 401 Water Quality Certification, individual WDRs, or individual waiver from the San Diego Water Board.

#### **List of References**

The following list of references provides additional information that is available regarding appropriate MMs/BMPs for minimizing pollutants in runoff and other discharges from agricultural and nursery operations.

1. Industrial Storm Water Program, State Water Resources Control Board  
<http://www.swrcb.ca.gov/stormwtr/industrial.html>
2. Construction Storm Water Permit, State Water Resources Control Board  
[http://www.swrcb.ca.gov/stormwtr/gen\\_const.html](http://www.swrcb.ca.gov/stormwtr/gen_const.html)
3. Agricultural Management Measures, State Water Resources Control Board  
<http://www.swrcb.ca.gov/nps/docs/guidance/agricmms.pdf>
4. California Nonpoint Source Encyclopedia, State Water Resource Control Board  
<http://www.swrcb.ca.gov/nps/docs/encyclopedia/agriculture.pdf>
5. Developing a Management Plan for Irrigation Runoff, Dept. of Horticultural Sciences, Texas A&M University <http://aggie-horticulture.tamu.edu/greenhouse/nursery/envirom/wmpln1.html>
6. Management Options for Nonpoint Source Pollution for Greenhouse and Container Crops, UC Cooperative Extension, San Diego  
<http://commserv.ucdavis.edu/CESanDiego/Stormwater/index.htm>
7. BMPs Nurseries And Greenhouses, County of Orange  
[http://www.ocwatershed.com/StormWater/documents\\_bmp\\_existing\\_development.asp#ind](http://www.ocwatershed.com/StormWater/documents_bmp_existing_development.asp#ind)
8. Electronic Field Office Technical Guide (eFOTG), Natural Resources Conservation Service <http://www.nrcs.usda.gov/technical/efotg/>
9. Grower Resources (including self assessment questionnaires and water quality record keeping notebook), San Diego County University of California Cooperative Extension [http://cesandiego.ucdavis.edu/Clean%5FWater/Grower\\_Resources.htm](http://cesandiego.ucdavis.edu/Clean%5FWater/Grower_Resources.htm)
10. USDA, National Agricultural Statistics Service, "Minimum Criteria for "FARM" Definition, 1840–Present and Enumeration of Apiaries and Fur Farms" pp. 15-16, Farms and Land in Farms, 2004.)

**CALIFORNIA REGIONAL WATER QUALITY CONTROL  
BOARD SAN DIEGO REGION**

**Basin Plan Amendment to Include a  
Definition of a Commercial Growing  
Operation in Conditional Waiver No. 4 for  
Discharges from Agricultural and Nursery  
Operations**

**TECHNICAL ANALYSIS**  
February 9, 2011

**CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD  
SAN DIEGO REGION**

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To request copies of the Technical Report for the Basin Plan Amendment to Include a Definition of a Commercial Growing Operation in Conditional Waiver No. 4 for Discharges from Agricultural and Nursery Operations or of Conditional Waiver No. 4 please contact Peter Peuron at (858) 6637-7137, or by email at [ppeuron@waterboards.ca.gov](mailto:ppeuron@waterboards.ca.gov).

Documents also are available at: <http://www.waterboards.ca.gov/sandiego>.

## STATE OF CALIFORNIA

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LINDA S. ADAMS, Agency Secretary, California Environmental Protection Agency



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Vacant	Water Supply

David W. Gibson, *Executive Officer*  
James Smith, *Assistant Executive Officer*

### This report was prepared under the direction of

Cynthia Gorham-Test, *Acting Senior Environmental Scientist*

by

Peter Peuron, *Environmental Scientist*

Conditional Waiver No. 4 addresses discharges from agricultural and nursery operations which contain pollutants that can percolate to groundwater or runoff to surface waters. Discharges from agricultural and nursery operations include discharges resulting from growing operations and irrigation return flows. The addition of storm water runoff can transport pollutants from agricultural and nursery operations to surface waters and groundwater.

On October 10, 2007, the California Regional Water Quality Control Board, San Diego Region (San Diego Water Board) adopted Conditional Waiver No. 4 (as part of Resolution R9-2007-0104, along with 10 other waivers). This Basin Plan Amendment was later approved by the State Water Resources Control Board (as Resolution No. 2008-0081) on November 4, 2008. Enrollment in Conditional Waiver No. 4 is required by January 1, 2011. Growers have the option of enrolling either as a member of a monitoring group or as an individual grower. The cost for waiver compliance for any grower is significantly less when they join a monitoring group because the costs associated with preparing a monitoring plan, conducting monitoring and reporting the results of monitoring are shared among many monitoring group members instead of being borne by one individual discharger. Due to the large number of growers in the San Diego Region, the number of enrollees in the monitoring groups should be substantial and this should be reflected in relatively low costs for individual growers who enroll in the groups.

Conditional Waiver No. 4 (the Waiver) applies to "agricultural and nursery operations." The Waiver, however, does not explicitly identify what is meant by the term "agricultural and nursery operations." The purpose of this Basin Plan Amendment is to define the term "agricultural and nursery operations" and thereby provide clarification as to who is and who is not required to enroll in the Waiver. This Basin Plan Amendment clarifies the applicability of the Waiver by first defining an "agricultural and nursery operation" as being limited to businesses or commercial operations and then specifying the criteria that constitute a commercial operation.

The Waiver pertains to "agricultural and nursery operations" and specifically to growing operations that use irrigation. Based on comments that were made during the adoption of the Waiver, it appears that it was the intent of the San Diego Water Board to apply the Waiver only to commercial growing operations or to those operations that are engaged in agribusiness. The term, "agricultural and nursery operations", however, could be interpreted as applying to any cultivation practices wherein plants are produced for any purpose (including residential fruit trees and vegetable gardens). The Waiver does not exclude any non-commercial growing operations from the requirements of the Waiver which has created confusion among members of the public and operators of agricultural and nursery operations.

Non-commercial growing operations that should not fall under the Waiver include homeowners or other non-commercial entities that may have gardens, fruit trees or flower beds growing on their properties. These non-commercial growing operations are not expected to have a significant effect on the environment. Since the effect on the environment is *de minimus*, it is not necessary to regulate the non-commercial growing operations. If the Executive Director or San Diego Water Board finds that any non-commercial growing operation is having a significant effect, it can direct that operation to comply with the terms of the Waiver..

In addition to residential homeowners, other non-commercial growing operations include "hobby growers/gardeners" which engage in the sale of agricultural products, but at a very low level. Hobby growers/gardeners also have a *de minimus* effect on the environment because of the limited size and intensity of the growing/gardening operations.

In order to clarify who operates a "agricultural and nursery operation" and thus must comply with the terms of the Waiver, the Waiver needs to be amended to define the term. Therefore, it is proposed that the term "agricultural and nursery operations" be amended in Waiver No. 4 to read "commercial agricultural and nursery operations." "Commercial agricultural and nursery operations" will be defined as defined as being commercial agricultural and nursery operations which generate gross sales of at least \$1,000 per average year. An average year is defined as the average of the upcoming three years. This definition will exclude residential homeowners and hobby growers/gardeners and limit the Waiver to agricultural and nursery operations that have a significant effect on the environment.

The basis for establishing the limit for a commercial grower at gross sales of at least a \$1,000 per year is the definition of a "commercial agricultural operation" by the U.S. Department of Agriculture which uses the same gross sales amount. This criterion (\$1,000 of gross sales) is therefore an accepted standard for identifying agricultural operations that generate income that is significant enough to be considered a commercial enterprise when they exceed this amount. The definition also provides a threshold that would exclude operations with a negligible potential to impact the environment. Since farming operations in the San Diego Region, where land values are generally high, typically produce crops that yield high value such as flowers, avocados and grapes, a very small amount of production will easily yield gross annual revenues of \$1,000. An avocado grower who sells the fruit from ten or fewer trees is a typical example of someone who may not need to enroll using this criterion.

Therefore, setting the definition of a "commercial agricultural and nursery operation" at \$1,000 per year is protective of the environment and it conforms to the standard for a commercial operation established by the US Department of Agriculture.

The California Environmental Quality Act (CEQA) has specific provisions that establish the scope of the environmental analysis required for the adoption of this Basin Plan amendment. CEQA limits the scope to an environmental analysis of the reasonably foreseeable methods of compliance with the conditions of a conditional waiver. The State Water Board CEQA Implementation Regulations for Certified Regulatory Programs require the environmental analysis to include at least the following:

1. A brief description of the proposed activity. In this case, the proposed activity is to amend Conditional Waiver No. 4 for Agricultural and Nursery Operations (from Resolution No. 2008-0081) to define the term "agricultural and nursery operations" as it appears in the waiver. The proposed definition specifies that only commercial operations that generate gross sales of at least \$1,000 per year, as an average, are subject to the waiver's requirements.
2. Reasonable alternatives to the proposed activity. Addition of language that defines the term, "agricultural and nursery operations", which clarifies the original intent of Conditional Waiver No. 4, does not cause significant impacts to occur. Therefore, environmental impacts are not associated with the Basin Plan amendment, which makes developing alternatives unnecessary. Inclusion of a definition of "agricultural and nursery operations" in Conditional Waiver No. 4 is necessary to designate who is subject to the waiver, and who is exempt. Furthermore, a no action alternative (not providing a definition) would create confusion with regard to who is subject to the waiver, or would require everyone generating any amount of income to be subject to the waiver.
3. Mitigation measures to minimize any significant adverse environmental impacts of the proposed activity. Since there is no potential for significant adverse impacts, mitigation measures are not needed.

In addition, CEQA requires the following components:

1. An analysis of the reasonably foreseeable environmental impacts of the methods of compliance. Since there is no potential for impacts, mitigation measures are not needed.
2. An analysis of the reasonably foreseeable feasible mitigation measures relating to those impacts. Since there is no potential for impacts, alternative means of compliance are not needed.
3. An analysis of reasonably foreseeable alternative means of compliance with the rule or regulation, which would avoid or eliminate the identified impacts. Since there is no potential for impacts, alternative means of compliance with the waiver are not needed.